

Remarks

Applicants have herein canceled claims 3-10, 12, 14-16, and 21 without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter encompassed by all canceled claims in one or more divisional or continuation applications. And, new claims 25-46 have been added herein to expand the embodiments of the elected subject matter. No new matter has been added.

New claims 25-46 find support in the claims and throughout the specification as originally filed. See Table 1 and Table 1 legend (clone ID, ATCC Deposit No., amino acids corresponding to signal peptide and secreted peptide); page 106, second full paragraph (polypeptide fragments); page 107, last paragraph and Example 9, page 332 (heterologous polypeptides); and Examples 5, 7, and 8, on pages 324, 327, and 330, respectively (protein isolation from cells). Thus, no new matter has been added.

Upon entry of the present amendments, claims 1-2, 11, 13, 17-20, and 22-46 will be pending.

Provisional Election With Traverse

The Examiner has issued an election requirement separating the pending claims into 10 different groups. See, Paper No. 7, pages 2-6. To comply with the pending election requirement, Applicants herein provisionally elect, *with traverse*, Group II (isolated polypeptide) as recited in claim 11 and new claims 25-46. Applicants respectfully traverse the present election requirement.

Restriction remains improper unless it can be shown that the search and examination of all groups would entail a "serious burden." See M.P.E.P. § 803. In this regard, Applicants submit that a search of the polynucleotide claims would provide useful information for the claims in other related groups. For example, a search of polynucleotides for a particular human secreted protein would inherently provide relevant information for polypeptides and antibodies of that protein. Furthermore, the information about polynucleotides, polypeptides, and antibodies for a particular human secreted protein would also reveal relevant information pertaining to the subject matter encompassed by Groups I and III-X. Therefore, since a search of Group II claims would

overlap with a search of Groups I and III-X. Applicants respectfully request the restriction requirement be reconsidered and withdrawn.

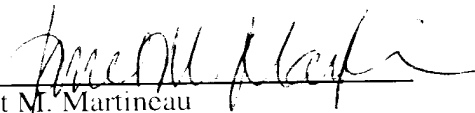
Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: October 3, 2003

Respectfully submitted,

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